

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:19-CR-00050-KDB-SCR-1

USA

v.

RAUL RANGEL-GUTIERREZ

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ORDER

THIS MATTER is before the Court upon Defendant Raul Rangel-Gutierrez's *pro se* motion for reconsideration of this Court's order (Doc. No. 23) denying a modification of his sentence under Amendment 821 to the United States Sentencing Guidelines. (Doc. No. 34).

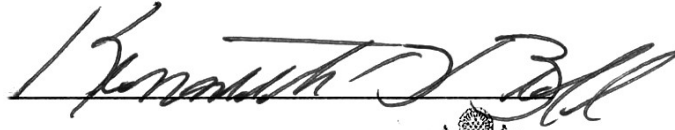
Defendant misreads the Court's order which clearly states that Defendant has no "status points" and thus no reduction in criminal history points. Defendant's Presentence Investigation Report is correct as filed. (Doc. No. 11, ¶¶ 44, 45).

The United States Court of Appeals for the Fourth Circuit has ruled that neither the federal statutes nor the Rules of Criminal Procedure authorize a motion for reconsideration in a criminal case. *United States v. Breit*, 754 F.2d 256, 530 (4th Cir. 1985) ("[D]efendant's remedies are limited by the statutes and Federal Rules of Criminal and Appellate Procedure . . . "). Accordingly, a defendant must file a notice of appeal within 14 days after the entry of the order being appealed. Fed. R. App. P. 4(b)(1)(A)(i).

IT IS, THEREFORE, ORDERED, that Defendant's *pro se* motion for reconsideration (Doc. No. 34), is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: October 24, 2024

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

